

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

MARK PETERSON,

Plaintiffs,

vs.

CITY OF YAKIMA, TONY O'ROURKE,
MARK SOPTICH, and ANTHONY DOAN,

Defendants.

CASE NO. 1:18-CV-3136-TOR

CIVIL MINUTES

DATE: 9/1/2022

LOCATION: Yakima

JURY TRIAL – DAY FOUR

JUDGE THOMAS O. RICE

Bridgette Fortenberry	LC 02	N/A	Allison Anderson
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter
Casey M. Bruner / Matthew Z. Crotty / Matthew A. Mensik Plaintiff's Counsel		Megan M. Coluccio / Stuart Cassel / Ann Trivett Defendants' Counsel	

☒ Open Court

☐ Chambers

☐ Telephonic

7:59 am All parties present without the jury.

Ms. Coluccio argued in favor of Defendants' Motion to Exclude Mr. Platt's testimony.
(ECF No. 206).

Mr. Brunner responded.

Court: Denied

Ms. Coluccio made an oral Rule 50 motion.

Mr. Brunner responded.

Court: Denied with leave to renew.

8:38 am Recess

8:52 am Reconvened with all parties present without the jury.

The Court and counsel discussed jury instructions.

Objections and exceptions were made for the record.

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Peterson v. City of Yakima, et al; 1:18-CV-3136-TOR

Jury Trial

**9:14 am Jury panel brought into open court.
All parties present with the jury.**

Plaintiff rested.

9:16 am William Partin sworn to testify via Zoom.

Direct examination by Ms. Coluccio.

Exhibit D-622 discussed with the witness for demonstrative purposes.
Exhibit D-621 discussed with the witness for demonstrative purposes.
Exhibit D-630 discussed with the witness for demonstrative purposes.

Objection by Mr. Brunner argued at sidebar.
Court: Overruled.

Exhibit D-626 discussed with the witness for demonstrative purposes.
Exhibit D-627 discussed with the witness for demonstrative purposes.
Exhibit D-625 discussed with the witness for demonstrative purposes.
Exhibit D-628 discussed with the witness for demonstrative purposes.
Exhibit D-629 discussed with the witness for demonstrative purposes.

**10:07 am Recess with Court's admonition to the jury.
10:18 am Reconvened with all parties present with the jury.**

Cross-examination by Mr. Brunner

Exhibit D-630 discussed with the witness for demonstrative purposes.
Witnesses report discussed with him.

Exhibit P-126 discussed with the witness.
Exhibit P-127 discussed with the witness and published to the jury.
Exhibit P-128 discussed with the witness.
Exhibit P-129 discussed with the witness.

Re-direct by Ms. Coluccio.

Exhibit P-128 discussed with the witness and published to the jury.
Exhibit P-129 discussed with the witness and published to the jury.

Re-cross by Mr. Brunner.

Witness steps down and is excused.

Defendants rested.

10:43 am Recess with Court's admonishment to the jury.
11:25 am Reconvened with all parties present with the jury.

The Court read the final instructions to the Jury.

11:48 am Recess with Court's admonishment.

1:00 pm Reconvened with all parties present with the jury.

Closing argument presented by Mr. Mensik on behalf of Plaintiff.
 Closing argument presented by Ms. Collucio on behalf of Defendants.
 Rebuttal argument presented by Mr. Mensik on half of Plaintiff.

Oath administered to the Court Services Officers to take charge of the jury.

2:07 pm Jury excused to begin deliberations.
 Recess

3:33 pm Question received from jury.
3:45pm Written response from Court sent into jury.

5:00 pm Jurors excused for the day with instructions to return at 8:30 a.m. tomorrow to resume deliberations.

CONVENED: 7:59 AM	RECESSED: 8:38 AM	TIME: 39 MINS	TOTAL: 3 HRS / 49 MINS
RECONVENED: 8:52 AM	RECESSED: 10:07 AM	1 HR /15 MINS	
RECONVENED: 10:18 AM	RECESSED: 10:43 AM	/ 25 MINS	
RECONVENED: 11:25 AM	RECESSED: 11:48 PM	/ 23 MINS	
RECONVENED: 1:00 PM	ADJOURNED: 2:07 PM	1 HR/ 7 MINS	